

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

**FILED**

IN RE: Notice to and Service Upon,  
the United States of America

JAN 19 1995

**AMENDED GENERAL ORDER**

**J. BARRY DUNFORD  
CLERK OF COURT  
UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA**

The United States Bankruptcy Judges of the Western District of Louisiana having made the previous findings of fact, as set forth in the order of this Court which became effective March 16, 1992 and as previously amended:

**"I.**

1. Under Bankruptcy Rule 9029 and Rule 83 of the Federal Rules of Civil Procedure, the Bankruptcy Judges of this District have the power to make Local Rules of practice and procedure which are not inconsistent with the Bankruptcy Rules prescribed by the U.S. Supreme Court, subject to any limitation or condition the District Court may prescribe.

2. The U.S. District Court for the Western District of Louisiana by Uniform District Rule 22.01 M & W has delegated to the Bankruptcy Judges all the powers that can be delegated to them pursuant to 28 U.S.C. Sec. 157, and has not limited or conditioned the Local Rules that the Bankruptcy Judges can prescribe. The Bankruptcy Judges promulgate rules by majority vote, 28 U.S.C. Sec. 154: Presently, there is a vacancy in the Lafayette-Opelousas Division. This Order is adopted by both Bankruptcy Judges presently appointed to the United States Bankruptcy Court for the Western District of Louisiana and by the Judge

temporarily assigned to the Opelousas-Lafayette Division by designation.<sup>1</sup>

3. The Bankruptcy Judges find that the provisions of this order are necessary for the just and efficient application of the bankruptcy laws in Chapter 11 cases and to supplement Local Bankruptcy Rule 2.6 to ensure proper service upon the United States and its officers or agencies.

4. Local Rule 2.6 sets forth specific requirements concerning notice to and service upon the United States and its officers or agencies. Federal Rule of Bankruptcy Procedure 2002 (J) sets forth further notice requirements, including the mailing of notice as follows:

"\* \* \* \* \*

- (3) In a chapter 11 case to the District Director of Internal Revenue for the district in which the case is pending;
- (4) If the papers in the case disclose a debt to the United States other than for taxes, to the United States attorney for the district in which the case is pending and to the department, agency, or instrumentality of the United States through which the debtor became indebted. . . ."

5. Federal Rule of Bankruptcy Procedure 7004(b)(4) and (5) prescribe the method of service of a complaint and summons in an adversary proceeding upon the United States or any federal agency or officer of the United States ("federal officer").

6. Federal Rule of Bankruptcy Procedure 9014 provides that a motion in

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<sup>1</sup> The Opelousas-Lafayette Division vacancy has been filled by Gerald H. Schiff.

a contested matter requesting relief shall be served in the same manner as a summons and complaint under Bankruptcy Rule 7004(b)(4) and (5).

7. Nonetheless, it has come to the attention of the Court that in many instances notices are not given or service is not made pursuant to the foregoing rules or, if given or served properly, the United States Attorney is not always allowed sufficient time to confer with the federal agency or federal officer for the purpose of determining and preparing an appropriate response.

8. Pursuant to Bankruptcy Rules 2002(m) and 9007, if not otherwise specified, the Court may regulate the form and manner in which notice is required; and

9. The Court deems the adoption of an order specifically directing the manner in which notices are to be given or service of process effected when a claim or interest of the United States, federal agency or federal officer is involved to be in the interest of procedural due process. Such an order will encourage compliance with the foregoing rules, promote effective administration of cases, adversary proceedings and contested matters filed in the district; and ensure the finality of judgments and orders relating to the United States, federal agencies and federal officers so they are not subject to attack pursuant to Federal Rule of Bankruptcy Procedure 9024 and Fed. R. Civ. P. 60."<sup>2</sup>

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<sup>2</sup> The Bankruptcy Judges are indebted to Mr. Robert Thrall, Office of the United States Attorney, for assistance in the preparation of this Order.

## II.

### A. Lists, Schedules, Statements, and Matrixes

If one of the following federal agencies ("Agency") is a creditor of the debtor, the list, schedule, statement, and/or matrix of creditors submitted with any petition for relief under any chapter of Title 11 of the United States Code shall list the Agency at the address set out below:

1. United States Department of Agriculture  
(excepting the Commodity Credit Corporation, the Consolidated Farm Service Agency, and the Rural Economic and Community Development Administration, which are hereinafter individually set forth)

Associate Regional Attorney  
Office of the General Counsel  
U. S. Department of Agriculture  
3201 Federal Building  
700 West Capitol Avenue  
Little Rock, AR 72201

Commodity Credit Corporation and Consolidated Farm Service Agency (formerly known as the Agricultural Stabilization and Conservation Service)

Associate Regional Attorney (above)

and

State Executive Director  
Consolidated Farm Service Agency  
U. S. Department of Agriculture  
3737 Government Street  
Alexandria, LA 71302

Rural Economic and Community Development Administration (formerly known as the Farmers Home Administration)

Associate Regional Attorney (above)

and

State Director  
Rural Economic and Community

Development Administration  
U. S. Department of Agriculture  
3727 Government Street  
Alexandria, LA 71302

2. United States Department of Veterans Affairs (VA)

Debt Management Center (389 OPS)  
Department of Veterans Affairs  
Bishop Henry Whipple Federal Building  
One Federal Drive, Fort Snelling  
St. Paul, MN 55111-4050

and

Loan Guaranty Division (261)  
VA Regional Office  
701 Loyola Avenue  
New Orleans LA 70113

3. United States Small Business Administration (SBA)

U. S. Small Business Administration  
Office of the District Counsel  
365 Canal Street, Suite 2250  
New Orleans, LA 70130

4. United States Department of Health and Human Services (HHS)

Chief Counsel  
Office of the General Counsel  
Department of Health and Human Services  
1200 Main Tower Building, Suite 1330  
Dallas, TX 75202

5. United States Department of Housing and Urban Development (HUD)

Office of General Counsel  
United States Department of Housing and  
Urban Development  
1661 Canal Street, Suite 3100  
New Orleans, LA 70112

6. United States Postal Service

Office of Field Legal Services  
Southern Division  
United States Postal Service  
225 North Humphreys Boulevard  
Memphis, TN 38166-0170

7. Internal Revenue Service

Chief, Special Procedures Function  
Internal Revenue Service  
600 South Maestri Place, Stop 31  
New Orleans, LA 70130

District Counsel  
Internal Revenue Service  
PO Box 30509  
New Orleans LA 70190

As noted above, the address for SPF remains the same.

When the United States or any federal agency is listed as a creditor, the United States Trustee and the United States Attorney's Office located in the same division in which the petition for relief under Title 11 has been filed shall also be listed at the addresses shown in Part B.

B. Notices to the United States Trustee and United States Attorney

When service or notice is required under this Order or otherwise upon the United States Trustee or the United States Attorney's Office located in the same division in which the petition for relief under Title 11 or other motion, complaint or appropriate pleading has been filed, the addresses for such service or notice are as follows:

<u>Division</u>	<u>Address</u>
Shreveport and Monroe	United States Attorney's Office Western District of Louisiana 300 Fannin Street, Suite 3201 Shreveport, LA 71101-3068

Alexandria, Lake Charles  
and Lafayette-Opelousas

United States Attorney's Office  
Western District of Louisiana  
600 Jefferson Street, Suite 1000  
Lafayette, LA 70501

All Divisions

United States Trustee  
United States Courthouse  
300 Fannin Street, Suite 3196  
Shreveport, LA 71101

### III.

A. Notices to the United States of America, its agencies or officers as creditor or when its interest(s) or claim(s) may otherwise be affected

In addition to any notice required under Federal Rules of Bankruptcy Procedure 2002 and 9014, when the United States of America, its agencies or officers are listed as a creditor notice shall be given at the addresses shown in Part II.

In all other cases involving or which may affect a claim or interest of the United States, a federal agency or federal officer, notice shall also be sent to the United States Attorney's Office located in the same division in which the petition for relief under Title 11 has been filed at the address set forth in Part II of this Order. The notice shall clearly designate the federal agency through which the debtor became indebted or the federal agency or federal officer against which any relief is sought or which will otherwise be affected.

Should the federal agency not be known and designated with respect to any such notice, then the notice shall include the taxpayer identification number of the debtor, loan or claim number, and origination date on such loan or claim, if known. It shall be the responsibility of counsel for debtor(s) to undertake reasonably diligent effort to supply this information. No notice shall be sent to the United States Attorney's office if no claim or interest of the United

States or any federal agency or federal officer is indicated or affected.

B. Content of Notice Required Under this Order-Matrix of Creditors

Except for notices given by the Clerk of this Court, any notice given to the United States Attorney's Office shall include a copy of the matrix of creditors.

C. Process, Service, or Summons, and Service of complaint in Adversary Proceedings

In addition to the requirements under Federal Rule of Bankruptcy Procedure 7004, service of any summons or complaint upon any Agency or federal officer of the Agency shall be made at the address set forth in Part II and Part III (A) of this Order. In all cases in which the United States, federal agency or federal officer is named as a party defendant, service of any summons or complaint shall also be made upon the United States Attorney's Office located in the same division in which the petition for relief under Title 11 has been filed at the address set forth in Part II and Part III(A) of this Order. Any summons or complaint so served shall designate the federal agency or federal officer against which relief is sought or which will otherwise be affected.

D. Notices in Cases under Chapter 12 - Summary of Operations

The debtor in a Chapter 12 case shall serve the "Summary of Operations - Family Farmer" upon the Farmers Home Administration ("FmHA") and the United States Attorney's Office located in the same division in which the petition for relief under Title 11 has been filed at the addresses set forth in Part II of this Order in any case in which FmHA is a creditor without additional written request by the FmHA or the United States Attorney's Office and as otherwise required by Local Rule 5.4.



IV.

That the original order signed by the Honorable Stephen V. Callaway, Chief Bankruptcy Judge for the Western District of Louisiana; the Honorable Henley A. Hunter, United States Bankruptcy Judge; and the Honorable Louis M. Phillips, United States Bankruptcy Judge, Sitting by Designation, having provided for revisions to the original order in the following manner:

"IV.


The addresses shown in Part II may, from time to time, be changed by the United States requesting that this order be amended. The request shall be made by written motion filed with the Chief Bankruptcy Judge for the Western District of Louisiana and the motion shall include as an exhibit the complete, amended General Order in order to eliminate references to prior versions of this General Order. The Chief Bankruptcy Judge is authorized to sign the amended general order without further concurrence."

ACCORDINGLY, pursuant to the Authority previously granted, a change in the addresses for service as shown in Part II of the original order having been requested by the Office of the United States Attorney for the Western District of Louisiana,

**IT IS ORDERED** that Parts II and III of the original Order be and are hereby amended and restated as set forth herein in their entirety. As amended, this Order supersedes the prior orders of this Court, which are hereby vacated. This order becomes effective this date.

DONE AND SIGNED at Shreveport, Louisiana, this 17 day of JANUARY 1995.

COPY SENT  
DATE: 1-19-95  
BY: [Signature]  
TO: Chief Judge Callaway (4)  
Judge Hunter  
Judge Schiff  
Alex  
Dael  
Joey  
Rob Thrall  
MAJ  
max  
mitie  
Fanie  
HST

  
STEPHEN V. CALLAWAY, CHIEF JUDGE  
UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA